

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LISA M. WILLIAMS,

Plaintiff,

v.

NANCY A. BERRYHILL,
ACTING COMMISSIONER
OF SOCIAL SECURITY,

Defendant.

16-CV-754
ORDER

On September 19, 2016, the plaintiff, Lisa M. Williams, commenced this action. Docket Item 1. On January 19, 2017, the Court referred this case to United States Magistrate Judge Hugh B. Scott for all proceedings pursuant to 28 U.S.C. Section 636(b)(1)(B). Docket Item 7. On February 12, 2017, the plaintiff moved for judgment on the pleadings, or, in the alternative, to remand the matter for further development of the record. Docket Item 9. On April 2, 2017, the defendant responded to the plaintiff's motion and moved for judgment on the pleadings. Docket Item 11. And on May 4, 2017, the plaintiff replied. Docket Item 12.

On September 5, 2017, Judge Scott issued a Report and Recommendation finding that the plaintiff's motion for judgment on the pleadings should be granted and that the defendant's motion for the same relief should be denied. Docket Item 14. The parties did not object to the Report and Recommendation, and the time to do so now has expired. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court

must conduct a de novo review of those portions of a magistrate judge's recommendation to which objection is made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. Section 636 nor Federal Rule of Civil Procedure 72 require a district court to review the recommendation of a magistrate judge to which no objections are addressed. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge Scott's Report and Recommendation as well as the parties' submissions to him. Based on that review and the absence of objections, the Court accepts and adopts Judge Scott's recommendation to grant the plaintiff's motion and deny the defendant's motion for judgment on the pleadings.

For the reasons stated in the Report and Recommendation, the plaintiff's motion (Docket Item 9) is GRANTED; the defendant's motion (Docket Item 11) is DENIED; the decision of the Commissioner is REVERSED; and this matter is REMANDED for further administrative proceedings.

SO ORDERED.

Dated: September 25, 2017
Buffalo, New York

s/Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE